

## REMARKS

Very thanks for Examination's suggestion, the applicant has to face the rejections made to claims 1~6, and the challenges coming from US 6,585,388 in view of JP409099692A.

As instructed, the applicant has provided more detailed discussion about the difference between the present invention and the cited documents as discussed above.

Since in the original specification of the present invention, the emitting light set can be lit up manually (by user) or automatically (by changing refills), it may have the novelty and inventive step relative to the cited documents.

And the applicant has to restrict the scope of the claims for incorporating the features of refill switching unit (claim 4), strips and recesses (claim 2) to the claim 1. Thereby, it is assured that the amended claim 1 are based on the original claims.

The relation of the new claims with respect to the original claims are illustrated in the following.

## LIST OF CLAIMS:

Claim 1. (currently amended) A light emitting rotary double refill pen comprising an upper tube (1) and a lower tube (2), the lower tube (2) being installed with a refill switching unit (23) for switching two refills; an upper end of the refill switching unit (23) being embedded with the upper tube (1); when the upper tube (1) rotates, a rotary portion of the refill switching unit rotates to switch the two refills (233,234); further comprising: a rotary tube (11) in a upper tube (1) and being a hollow tube; a stop cap (12) at a top of the rotary tube (11); a transparent mask (13) embedded into the stop cap (12); a positioning tube (14) at an inner upper end of the rotary tube (11) to resist against the stop cap (12); a sleeve (15) resisting against a lower edge of the positioning tube (14) and embedded with an inner wall of the rotary tube (11); a light emitting set (16) installed at and secured to a lower end of an inner wall of the positioning tube (11); the light emitting set (16) being installed with a light emitting body (162) and a battery set (163); a spring (17) installed between the light emitting set (16) and the stop cap (12); wherein a top of the refill switching unit (23) of the lower tube (2) is fixed with an electric disk (24) and is conductive to the light emitting set (16) a top of the electric disk (24) is installed with a conductive spring (242) and a conductive plate (243); one lead of the light emitting body (162) is in contact with an electrode at a top of the battery set (163); and another lead of the light emitting body (162) extends downward to a lower side of a casing; the lead is movable with the rotation of the light emitting body (162); when the lead (165) is in contact with the conductive plate (243) on the electric disk (24), the light emitting body (16) lights up, otherwise, the lead (165) is not in contact with the conductive plate (243) on the electric disk (24), the light emitting

body (16) extinguishes[[.]] ;

an inner wall of the positioning tube (14) is formed with positioning recesses (141), an outer casing of the light emitting set (16) is installed with stripes (161) which can be embedded into the positioning recesses (141);

a top center of the rotary portion (231) of the refill switching unit (23) has a positioning post (235) which is non-rotational, a positioning trench (236) is formed on the positioning post (235) for receiving a rib (241) at a bottom end of the electric disk. (24)

Claim 2. (cancelled)

Claim [[3]] 2. (original) The light emitting rotary double refill pen as claimed in claim 1, wherein the transparent mask (13) is integrally formed with the stop cap (12).

Claim 4. (cancelled)

Claim [[5]] 3. (original) The light emitting rotary double refill pen as claimed in claim 1, wherein a length of the conductive plate (243) is equal to a radius of the electric disk (24).

Claim [[6]]4. (original) The light emitting rotary double refill pen as claimed in claim 1, wherein the two refills is a ball pen refill (233) and a touch control refill (234).

Since in above discussion, it is apparent that the present invention is different from the cited documents, Furthermore, as we know that no cite prior art has features of the present invention for comparing the novelty and inventive step of the present invention. It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectively requested.

Respectfully submitted.

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